



DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY GARRISON
FORT IRWIN, CA 92310-5000

REPLY TO
ATTENTION OF

IMNT-ZA

MAY 24 2012

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: United States Army Garrison, Fort Irwin and the National Training Center Policy #12, Registration of Sex Offenders on Fort Irwin

1. Purpose. To establish an installation policy on the identification of, assessment of, and process for determining the extent of access by registered sex offenders on Fort Irwin.
2. Applicability. This policy applies to all personnel entering Fort Irwin
3. References.
 - a. AR 27-10, Military Justice, 16 November 2005
 - b. AR 190-45, Law Enforcement Reporting, 30 March 2007
 - c. California Penal Code Section 209
 - d. Title 5 USC 552, The Freedom of Information Act
 - e. Title 10 USC, Chapter 47, Uniform Code of Military Justice (UCMJ)
 - f. Title 18 USC 1382, Entering Military, Naval, or Coast Guard Property
4. Policy. All individuals who reside on, work at, or visit the installation for any reason and are subject to registration as a sex offender in any state or territory will immediately report to and register with the Fort Irwin Police Department. The Fort Irwin Police will:
 - a. Collect from the individual their full name, current address, phone number, a statement of the nature of all sex offenses, the dates of all sex offenses, the county in which the offender has registered, and any other info necessary for the process of determining permissible access to the installation.
 - b. Verify the individual has registered with the appropriate law enforcement agency. If the individual resides or will reside on the installation, ensure that the California Department of Justice internet website has been updated to reflect the individual's address on the installation.
 - c. If the individual is a visitor to FICA, require the individual to be escorted at all times by another individual who possesses a CAC until the final access determination per paragraph 6 below is made.

d. If the individual is a civilian employee, he/she should not be issued a CAC card until a final determination is made concerning their employment. In addition, they will be escorted on post by a CAC holder until that final determination is made.

e. If the individual is a family member, they must be escorted by an adult member of the family anywhere on post until a final determination is made.

f. If the individual is a retiree, they should be restricted to the most direct route to and from the medical hospital, clinic, DECA or AAFES facilities.

g. If the individual is an active duty service member stationed or training on FICA, immediately coordinate with the Soldier's chain of command and the Garrison Commander to ensure they are aware of the nature of the Soldier's conviction and registration requirements.

5. Based on the information furnished by the individual and obtained from outside agencies and/or websites, the Director of Emergency Services will forward a packet with the information through SJA to the Garrison Commander with a recommendation for one of the following:

a. Barment. If it is determined that allowing the individual on the installation under any circumstance poses a threat to the community a recommendation for post bar will be initiated.

b. Escort. If it is determined that unaccompanied access on the installation poses a threat to the community a recommendation to require escort at all times by a CAC-holder will be made.

c. Limited Access. If it is determined that the individual poses little threat to the community if access is restricted to specified areas (e.g. PX, Commissary, WACH etc.) a recommendation of limited access will be made.

d. Full Access. If it is determined the individual poses no threat to the community a recommendation to allow full access will be made.

6. In serious or time sensitive cases where an immediate decision to bar is warranted, the Director of Emergency Services may notify the Garrison Commander for an preliminary verbal decision.

7. The Garrison Commander will be the final adjudicating authority for the above actions except when the offender is an active duty military member or dependent whose chain of command falls outside of USAG Fort Irwin. For cases involving family members of these service members the packet will be reviewed by the Garrison Commander and forwarded with a recommendation to the Senior Mission Commander for adjudication. For cases involving active duty military personnel, the service member's Commander, in coordination with Staff Judge Advocate, will determine the scope of access on the installation. Commanders should consider limiting the service member's activities on the installation to the extent necessary to protect the residents of the community. Examples include denying access to schools, day care centers, playgrounds, pools, and other locations where potential victims are present in high concentration.

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8. If the registered sex offender requests an appeal to a decision to deny or limit his or her access to the installation, the individual may submit a request for an appeal of the decision in writing through the DES, Fort Irwin Police Admin section to the appropriate Commander. The request must contain the applicant's full name, address, phone number, a statement of the nature of all offenses, the dates of all offenses, the county in which the offender has registered, and a brief statement of the reason for which the appeal is sought. The person seeking the appeal must abide by the original decision and any conditions set forth in the decision until the appeal action is complete.

9. Visitors or contractors who are found on the installation in violation of this policy will be removed from the installation and denied re-entry until given approval by the Garrison Commander. Such individuals may be processed for a bar or warning letter. Civilian employees who violate this policy may face adverse administrative action. Military personnel who violate this policy may face adverse administrative action or be subject to action under the UCMJ.

10. Regardless of where the sex offenses or conviction occurred, offenders residing in California for more than fourteen days must register with the County Sheriff of the county in which they reside. Those failing to comply with any of the registration requirements may be criminally prosecuted by the State of California.

11. An individual whose conviction of a sex offense is reversed on appeal is not required to register with the Fort Irwin Police Department. If a restriction has already been placed on the individual before the reversal on appeal, the applicable approving authority will review the status of the individual's access to Fort Irwin.

12. The Privacy Act limits the disclosures that FICA personnel may make of personal information regarding individuals residing or working on the FICA installation. However, Fort Irwin DES will disclose necessary relevant information regarding registered sex offenders to DoD employees on a need to know basis. This may include, but is not limited to, the managers and workers at DoD operated day care facilities, libraries, and recreation facilities.

13. The proponent for this policy letter is the Directorate of Emergency Services at 380-1258.



KURT J. PINKERTON
COL, IN
Commanding